IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

S.A.O. No.26 of 2000
Date of decision November 1, 2006

Kishan Chand

.....Petitioner

Versus

Sudershan Kumari and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. Ashwani Kumar Chopra, Sr. Advocate with
Sh. Gagandeep Singh, Advocate
for the appellant.

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Viney Mittal, J (Oral)

At the outset Sh. Ashwani Kumar Chopra, learned Senior counsel appearing on behalf of the appellant has very fairly stated that in view of the fact that the matter has been remanded back by the Appellate Court to the Trial Judge for a fresh decision and directions have also been issued to the trial Court for giving opportunities to the parties to lead further evidence, the present appeal be disposed of with a direction to the trial Judge to decide the appeal within a time bound frame.

In view of the fair stand taken by the learned counsel for the appellant, the present appeal is disposed of and it is directed that the trial Judge shall grant two effective opportunities to the plaintiffs to lead their entire evidence. They shall lead the entire evidence at their own responsibility and without the assistance of the Court. After the conclusion of the evidence of the plaintiffs, the defendants shall also be entitled to two effective opportunities. Likewise, the defendants shall also lead their evidence at their own responsibility and without the assistance of the Court.

On the conclusion of the aforesaid evidence by the parties, the learned trial Judge shall hear the arguments and decide the suit within a further period of two months. It is also directed that any observations made by the District Judge with regard to the merits of the controversy shall not be taken into consideration by the trial Judge.

A copy of the order be given dasti on usual payment and be also sent to the trial Judge for compliance.

(VINEY MITTAL)
JUDGE

November 1, 2006
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